

# **Congressional Hearing: "Human Rights in China: Improving or Deteriorating Conditions?"**

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## **The Theft of Organs in China**

Several Cases of Heart Transplantation at Huaxi Hospital in Chengdu  
and Mudanjiang Cardiovascular Hospital in Heilongjiang

### **The Social and Judicial Background of Organ Transplantation in China**

The practice of organ transplantation in China was introduced in the 1960s or 1970s, but the tradition of keeping bodies intact after death kept organ donations at low numbers in the beginning. Therefore, with the exception of a few cases of organ transplantation from living donors, the supply of organs was lacking. However, since 1983, owing to China's "Strike Hard" campaigns, large numbers of criminals have been quickly executed. In 1984, the Chinese government launched a national policy that allowed those in the medical profession to use the body and organs of the executed. The Provisional Regulations of the Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health, Ministry of Civil Affairs "On the Use of the Dead Bodies or Organs of Condemned Criminals" were issued. According to the regulations, in a situation in which no one claims a dead body, or the condemned criminals or their families are willing to donate the dead body, the dead body and its organs can be used. The provisional regulations have been in effect for over twenty years now, in violation of morality and human rights, and this has triggered condemnation from the international community. The U.S. Congress has held several Hearings and has passed legislation forbidding Chinese doctors who participate in organ transplantation from entering the United States.

Chinese authorities had long denied the facts about organ harvesting, but this changed in early November 2005 when the World Health Organization meeting was held in Manila. During the meeting, Huang Jiefu, the vice minister of China's Ministry of Health, openly admitted that China used the organs of condemned criminals on a large scale. Among the organ transplant surgeries done in hospitals, he said, 5% of organs transplanted consist of individual living-donor organ transplants, and the other 95% of organs transplanted come from executed prisoners. Huang said that because of this, organ transplantation in China

had been in "the misty zone" for a long time, without the acknowledgement of the international community.

In recent years, the disparity between the rich and the poor in China has become enormous. The poor, without any other options, are sometimes willing to sell their own organs, which has resulted in a flood of organ transactions. The Beijing government responded to this situation. In March 2006, the Xinhua News Agency reported that China's Ministry of Health had enacted the "Provisional Regulations of the Clinical Application and Administration of Human Organ Transplantation Technology" and made the regulations effective on July 1, 2006. But these regulations have nothing to do with the scene being played out throughout China, in which people are contending for the organs of executed prisoners. And according to the regulations of the government, the police, the procuratorates, the courts, and the hospitals, the practice of harvesting executed prisoners' organs is merely "the utilization of waste."

According to China's Health Ministry, since 1993 China has performed 59,540 kidney transplants, 6,125 liver transplants and 248 heart transplants. The number of organ transplants in China has soared over the last years. More than 2,700 liver transplant surgeries and approximately 6,000 kidney transplant surgeries were conducted last year. Counting bone marrow, cornea and other organ transplants, there were almost ten thousand organ transplants done in China in 2005 alone.

Patients from Asian countries like Korea, Japan, Thailand, Malaysia, Indonesia as well as from Hong Kong and Taiwan are coming in large numbers to China to get a healthy organ. In recent years, Tianjin No. One Hospital (see picture 6) becomes the favorite hospital of the Koreans. In order to make the patients feel at home, the Hospital hires doctors and nurses who speak Korean to take care of the foreign patients. The hospital has to rent the 24th and 25th floor of the Tianda Hotel to boarding the patients from abroad while waiting for the suitable organs.

### **First Execution, Then the Announcement. The Dates and Lists are changed arbitrarily**

Several thousand people are executed in China every year. Because of China's chaotic judicial system and the opacity of the sentencing and execution of condemned prisoners, the prisoners and their families in most cases do not receive advance notice of executions and are not informed of the execution date. After an execution, the list of those who have been executed is usually publicized in the bulletin of the local intermediate court (picture 3A/B) But according to investigations conducted by the Laogai Research Foundation, these announcements are only pro forma, and in reality the lists and the times are changed arbitrarily. Moreover, the names of some executed prisoners are never publicized at all.

For example, according to a poster displayed on December 8, 2005 by the Intermediate Court of Chengdu, 18 condemned prisoners were executed in succession. However, the prisoners executed on October 13, and those executed on December 7 and 8, were listed on the same poster. So it remains unknown which of the prisoners were executed at what time. Such instances reveal not only the lack of efficiency and discipline present in

China's judicial system, but more importantly the secret hidden by deceit that the police, the procuratorates, the courts, the hospitals and the prisons cooperate with each other to execute the prisoners secretly to steal their organs and cremate the cadaver immediately, and to give the ashes to their family, because many condemned prisoners refuse to "donate" their organs. Many condemned prisoners are peasant workers who have traveled to the city to find a job. They break the law, but they don't have the money to hire an attorney. They are sentenced to death and are executed in shady and unknown circumstances, and their corpses are regarded as "the unclaimed."

The following are several cases of organ transplantation which prove that the organs of executed prisoners are often being stolen without the knowledge of the prisoner himself, and which show that, even if he signs an agreement to "donate" his organs, this is done under forced conditions.

### **THE FIRST HEART TRANSPLANTATION AT HUAXI HOSPITAL IN CHENGDU IN 2005**

On September 29, 2005, Huaxi Hospital in Chengdu, Sichuan Province (picture 1A) performed its first heart transplant operation. The hospital told people that the heart came from a legitimate source. But according to an investigation conducted by the Laogai Research Foundation, many clues showed that the heart provided in this case very likely came from a 21-year-old student named Gou Hua. Another 21-year-old worker named Su Liping (picture 2 A/B), suffered from a serious heart illness. Su, measuring 1.78 meters tall and thin in stature, was a resident of Banqiao Town, Fushun County, Sichuan Province. He was hospitalized on September 6. The hospital agreed not to charge him for the surgery and exempted him from the expected 120,000 yuan in medical expenses, because this was to be the first time for the hospital to perform a heart transplant operation. Dr. Zhang Eryong (picture 2 A/B), who was in charge of the surgery, required Su's father to sign a liability agreement saying that if the operation failed, they would not prosecute the hospital, and meanwhile they would not ask where the heart came from and would not talk about this to the media.

On September 29, eleven condemned prisoners, sentenced by the Intermediate People's Court of Chengdu City, were simultaneously executed at an execution field in the suburbs of Chengdu. The site of the execution field was not clear, but it was likely one within 100 kilometers of the city. Among the eleven condemned prisoners was Gou Hua. Gou was a resident of Wangjing Rural Area, Pingchang County, Sichuan Province, a former student at the Training School of Agricultural Science and Technology of Chengdu. On March 21, 2004, Gou Hua has killed two of his schoolmates out of self-defence. Under circumstances in which there was no attorney and his family was not informed, he was sentenced to death and was executed on September 29. Gou measured 1.78 meters tall, had Type A blood, and was thin in stature. As LRF's investigation revealed, before the execution, he had been asked by the prison about whether he would be willing to donate his organs, and he refused. Gou Hua was convinced that he did not deserve the death sentence. His family had also believed that he would get a sentence of life imprisonment, because they had never received any notice from the court. However,

weeks after the execution, they learned that he was dead, and as for where and when he had been executed, it was still a mystery to them.

On September 29, Huaxi Hospital sent several doctors and nurses to retrieve the heart at the execution field. Dr. Ren Ke (picture 2B) was in charge of the heart removal, which was performed in 20 minutes. A report of the Chengdu Daily on October 13 said, "The supplied heart arrived smoothly at the hospital around 4 o'clock in the afternoon that day (September 29)."

The transplant operation team, led by the director of the Heart-Vascular Surgical Department, Dr. Zhang Eryong, included the attending doctors, Dr. Ren Ke and Dr. Guo Yingqiang, the resident physician, Yi Min, and the anesthesiologist, Li Yu. All of the nurses in the Heart Surgical Department and the other departments, such as the Heart Medical Department and the Experimental Medical Department, as well as physicians Cao Ke, Ma Jianchang, and Fan Jingxiu, coordinated with each other. The entire heart transplant operation lasted six hours and fifteen minutes.

Huaxi Hospital owns two big, dark blue vans, bearing the license plates of the bureau of Sichuan, with the plate numbers Sichuan O-53604 and Sichuan O-53651, respectively (picture 1B). These vehicles are used exclusively for organ retrieving at the execution ground, and all the residents living near the two execution grounds can recognize them. The investigation of the Laogai Research Foundation could not determine for certain on which execution ground Gou Hua was executed, his heart removed and carried in solvents to Huaxi Hospital on September 29.

Huaxi Hospital has been categorized as class A hospital in western China with modern equipment and excellent medical personnel, it is also among the hospitals in China that performs the largest number of organ transplantations. In recent years, the hospital has been strict regarding confidentiality and discipline inside the hospital. In any given medical department, only the director of the department knows where the organs come from.

Dr. Zhang Eryong, who was in charge of the heart transplantation described, is 49 years old this year. Since USA becomes more strict for the entry for medical doctors who are involved in organ harvesting with the executed prisoners, Dr. Zhang decided to go to Germany, he spent half a year in 2000 at the Heart Center of Berlin, where he studied specifically heart transplantation operations.

### **THREE HEART AND HEART-LUNG TRANSPLANTATION IN MUDANJIANG CARDIOVASCULAR HOSPITAL IN 1992/3**

The Chinese Health News reported on two cases of heart transplantation that took place within six days at Mudanjiang Cardiovascular Hospital on July 15, 1992.

#### **Case one**

Fifty-five-year-old male patient Zhang Shouli suffered from dilated cardiomyopathy (DCM). He was delivered to the hospital on May 8. After Dr. Liu Xiaocheng (picture 4B), the head of the hospital and the chief of the hospital's heart department, conducted an examination, and an interdisciplinary check-up was performed, Dr. Liu decided to

perform the heart transplant on July 5. Twenty-six hours after the surgery, the patient could breathe without the support of a respirator. He could also consume small amounts of food and water, and he was able to move around slightly in his bed. (See below: Heart transplant on July 5, 1992)

#### Case two

Thirty-eight-year-old male patient Lū Ronglu was originally from Inner Mongolia. Dr. Liu performed this transplant just six days after the first one. Five hours after the surgery, the aspiration tubes were removed, and the patient could breathe without artificial support. Twelve hours after the surgery, the patient was able to consume food. (See below: The heart transplant on July 11, 1992)

These two cases of heart transplantation, directed by the head of the hospital, Dr. Liu, used the hearts of young executed prisoners. The most shocking aspect of these instances was that Mudanjiang Cardiovascular Hospital served not only as a hospital, but also as an execution ground. The Laogai Research Foundation has a connection to Dr. Yang, who was directly involved in these two transplants and in other cases. We were able to obtain very detailed handwriting descriptions from Dr. Yang (picture 5B) about the organ transplant surgeries that have been carried out in Mudanjiang Cardiovascular Hospital

Dr. Yang Jun (picture 5A) was a physician at Mudanjiang Cardiovascular Hospital. He graduated from medical school in August of 1979. Until Dr. Yang left the medical profession in August of 1994, he participated many times, directly and indirectly, in the use of the dead bodies or organs of executed prisoners. In June of 1991, Dr. Yang was designated by the Mudanjiang Health Ministry as chief of the Director's Office of Mudanjiang Cardiovascular Hospital. The following is his testimony regarding the above mentioned two heart transplants:

#### 1. Heart transplant on July 5, 1992 (Case one)

In July of 1992 our hospital conducted two heart transplants within 6 days. I was in charge of hosting visitors from different levels of the government, legal departments, media and other organizations. I was also responsible for dealing with the press, so that I experienced the whole process of the transplantation.

The patient: Zhang Shouli (after the surgery, people in the hospital called him Dabao - Mascot Number One) was a 55-year-old peasant. Late in the afternoon of July 5, the pre-surgery preparation started. Around 10 p.m., 10 legal officers of the Mudanjiang Intermediate Court, led by their deputy executive chief, Mr. Gao, and escorting the condemned prisoner, arrived at the hospital. Two procurators of the City People's Procuratorate also came. The prisoner, bound with shackles, was a 24-year-old male. The surgical personnel were divided into two teams, one to ready the patient, open his thorax, remove his heart and establish external circulation. The other ready to extract the heart from the dead body of the prisoner. At 11:20, the patient's thorax was opened. The people from the court and procuratorate all walked together with the prisoner to the morgue located in the northwest part of the hospital. I accompanied them with the vice mayor, who was in charge of the health issues of Mudanjiang, Secretary Zhu, and the head of the Mudanjiang Branch of Heilongjiang Daily News.

In order to prevent any unexpected incidents, the anesthesiologist gave the prisoner an intravenous injection of a tranquilizer and muscle relaxer. The needle was left in his arm. The prisoner could barely walk, and he was supported by two police officers. In the morgue, following the legal procedure, the officer first asked his name, age, and place of birth, and then checked the photo in his file and read aloud the document of the final verdict. The handcuffs and shackles were then removed from the prisoner. About one dozen people encircled him. He lay down with his face to the ground, and one bailiff shot him with a pistol on the back of his head, after which another covered his bleeding head with a black sack. Four men carried him quickly by his limbs and placed him on the provisional surgery table. His heartbeat and respiration had already ceased, so the doctors laid a conduit on his trachea and conducted an infusion through the needle in his left arm. Once again the heart started to beat, and the respiration recovered. The extraction of the heart followed almost immediately. After about 10 minutes, the heart was retrieved by the head of the hospital, Dr. Liu Xiaozhu, and put into a solution. Dr. Liu then went back to the surgery room. He washed his hands, disinfected and changed clothes before he started the transplant surgery. Meanwhile, the other surgical attendants begun to sew up the thorax of the prisoner, and removed his head covering. The hospital personnel left the cadaver on the table and locked the morgue. The judicial officers of the court and procuratorate went to a conference room where the hospital had prepared a feast for them. The surgery process was shown on a screen. After dinner, the guests took a rest in rooms where the hospital had reserved for them. The surgery continued until 7 a.m., and the transplanted heart began to beat on its own. Dr. Liu walked out of the surgery room, and all of the government officers and guests congratulated him. The journalists conducted interviews with him on the spot. Dr. Liu shook hands with the judicial officers and expressed his gratitude. Finally, the hospital's vehicle transported the body and the judicial officers to the crematorium to cremate the cadaver.

On the third day, on behalf of the hospital, I treated the judicial personnel to a meal at the Swan Restaurant. All of the officers involved came to the restaurant. I handed them prepared envelopes labeled with their names. Inside, there were gifts of 1,000, 500 and 300 yuan respectively.

## 2. The heart transplant on July 11, 1992 (Case two)

The patient's name was Lū Ronglu (after the surgery, he was called Mascot Number Two), and he was 38 years old. Mr. Lū, from Inner Mongolia, a worker in a school, was suffering from cardiomegaly. This surgery took place only six days after the first one, and the procedure was quite similar. The condemned prisoner was related to the first prisoner (they were brothers-in-law). The two men had been involved in a robbery, by raiding a Credit Bank of Agriculture, and they killed the guard at the bank, so both were given the death sentence. Officers from the court and the procuratorate were present, just as in the previous instance. This surgery also started at around midnight and lasted until the morning of the next day. The surgery was a success.

The two heart surgeries successfully followed each other within six days. The patients were in good condition, they stayed in the hospital for long time and they were interviewed by the major national media organizations. The first patient (Mascot No. One)

lived for approximately two years and eight months. He left the hospital in February 1994 to spend the Chinese New Year with his family. However, a sudden rejection took place, and the local hospital lacked the ability to deal with this urgent case, so the patient died. The second patient (Mascot No. Two) also died, in the second half of 1994.

Dr. Yang Jun has also experienced a heart-lung combined surgery, the following is his description.

### 3. Heart-Lung Surgery on December 26, 1993

In December 1993, our hospital chose another male patient, a 54-year-old man who suffered from cardiomegaly and arterial narrowing in the lung. We obtained a large amount of information about local death row inmates from the Intermediate Court of Chengdu City. We selected a 28-year-old prisoner who was from Hailin County in Mudanjiang City. He was sentenced to death for sexual attack and murder. He didn't want to submit a second appeal. It was said that this prisoner had a gangster background, and therefore the judicial department dealt with his case with great diligence. In the beginning of December, I headed to Hailin Prison with a team of medical personnel to conduct the first physical check. In the single jail cell, we saw that the prisoner was lying naked, with his back to the cement ground, his limbs were spread apart, and his wrists and ankles, as well as his neck, were fixed to the ground with iron hoops. The warden explained to us that this treatment was called "set up the ground hoops", and it was set up as an extra precaution for death row inmates, in order to prevent any unexpected incidents from occurring before the execution. This prisoner was locked in this way for more than 20 days. For each meal, a designated inmate would feed him and clean up his excrement.

Our primary check showed a match. I persuaded the prisoner to donate his organ and promised that as soon as he agreed the donation, he could be freed from this miserable position. He agreed. We then sent 20 security troops to escort him secretly to our hospital. The second physical check proved that the match was perfect. Like in the previous cases, after the data was checked, our hospital took over the supply work. We wanted to give him nutritious food to build up his strength, so that his organs could function at the maximum level. I ordered a daily meal from a nearby restaurant for him, and each meal cost an average of 10 yuan. He was even allowed to drink a small amount of wine. He is still required to wear handcuffs and shackles until the execution. Together with the medical team, I made two more visits to the prisoner to check his health conditions.

At 10 p.m. on December 25, 1993, accompanied by approximately 20 judicial police and two procurators, the condemned prisoner arrived at the hospital. Vice Mayor Bai, the head of the Health Department of Mudanjiang and several government officers came again to the hospital. More than 10 journalists came to make an on-the-spot report. This time the prisoner was waiting in the conference room. He asked to take a bath. After consultation, the judicial officers agreed. So four police took a shower with him together for 20 minutes. Later, two tables were arranged in the conference room, and the judicial officers dined with the prisoner and even drank a small amount of wine. At 11 p.m. the surgery began. At 11:20 the execution was carried out. It took 15 minutes to retrieve the prisoner's heart and lungs. The subsequent transplant operation lasted 11 hours. The

patient's heart started to beat, and his aspiration was normal. The surgery was proclaimed to be successful.

The next day, I accompanied the surgeon and the head of the hospital to a city press conference. The officers of the Provincial Health Department, specialists from the University Hospital of Mudanjiang and other medical experts were also present. More than 30 journalists from 10 or more media organizations in Heilongjiang Province came as well. At the press conference, the news was released that the first successful heart-lung transplant surgery had been performed. After 72 hours the patient died of sudden rejection.

## **Conclusion**

The above organ transplant cases were proclaimed by the Chinese media as great medical achievements, and the Laogai Research Foundation conducted an investigation into these cases. Because of the temptation of tremendous financial benefits and the progress of medical technology, the medical profession in China has gone wild in terms of plundering the organs of condemned prisoners in recent years. Many small hospitals enter into this trade in spite of a lack of adequate technology and equipment, which has resulted in many cases of the deaths of foreign patients. That the international community has begun to show concern about the harvesting of organs from executed prisoners in China has put the Chinese authorities on alert, which has increased the difficulty involved in conducting investigations from the outside.

The practice of organ harvesting, which violates humanity and human rights, will not change for a long time, because of the clear policy of the Chinese government and the following several factors:

1. China will continue using the death penalty on a large scale for a long time, and several thousand people will be executed every year.
2. The morality of society in China has degenerated, and people usually lack a sense of human rights, sympathy and justice. Due to self-interest, people not only do not condemn such practices, they affirm them.
3. There is no press freedom in China. Even if some people oppose such practices, there is no public forum for this discussion.
- 4 The medical profession in China lacks medical morality, and doctors regard individual benefits as the number-one issue.
- 5 China's entire medical system is still backward, and the general health conditions of the Chinese people are relatively poor, which causes a large number of patients to be in need of organ transplantation. If the safety of organ transplant surgeries in China improves, the number of Chinese people and people from abroad undergoing organ transplant operations will not decrease.

If the Chinese government does not enact a law to forbid the use of organs harvested from condemned prisoners, this "trade" will not end. The international community should be greatly concerned about the development of this issue, and should press Beijing to abolish this policy.